

BILL ANALYSIS

Senate Research Center
76R11790 CAG-D

C.S.S.B. 975
By: Armbrister
Jurisprudence
4/27/1999
Committee Report (Substituted)

DIGEST

Due to a recent judicial decision, community colleges have become exposed to lawsuits for issues from which they were previously immune unless the legislature had passed a resolution granting permission to sue. C.S.S.B. 975 would establish the sovereign immunity and liability to be sued of a junior college.

PURPOSE

As proposed, C.S.S.B. 975 establishes the sovereign immunity and liability to be sued of a junior college district.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 130.084, Education Code, to make conforming changes.

SECTION 2. Amends Chapter 130E, Education Code, by adding Section 130.0841, as follows:

Sec. 130.0841. SUITS AND IMMUNITY. Provides that the board of trustees of a junior college district (board) has the power to sue in the name of the junior college district (district). Establishes that a district and a board are immune from suit, and may be sued, in the same manner as a general academic teaching institution and the governing board of a general academic institution (institution) and the governing board of an institution, with exceptions. Provides that this section does not constitute consent to suit, except as provided by Subsection (d). Authorizes a person to sue or otherwise bring a claim against a district or board only with legislative consent, or as expressly authorized by law. Establishes that nothing in this section affects partial exclusion of districts from certain aspects of the Civil Practice and Remedies Code. Defines "general academic teaching institution" and "governing board."

SECTION 3. Makes application of this Act prospective.

SECTION 4. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 103.084, Education Code, to make a conforming change.

SECTION 2.

Amends proposed Section 130.0841, Education Code, regarding suits and immunity for a junior college district. Adds a new heading. Adds a new Subsection (c), authorizing a person to sue a junior college district or the board only with legislative consent or as authorized by law. Deletes proposed Sections 130.0841(a)-(d), Education Code. Redesignated from proposed SECTION 1.

SECTION 3.

Makes application of this Act prospective.

SECTION 4.

Effective date: upon passage. Redesignated from existing SECTION 3.